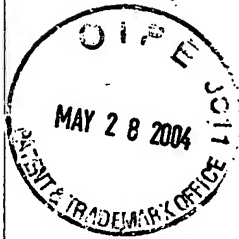


RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN *
R. BURNS ISRAELSEN
DAVID R. TODD
GREGORY M. TAYLOR
DAVID B. DELLENBACH
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED

WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS



1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

PATENT APPLICATION

Docket No: 15420.49.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of

Gerald Nelson

Serial No.:

10/788,799

Filed:

February 27, 2004

Confirmation No.:

Unknown

For:

INCLINE ASSEMBLY WITH CAM

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

Statement of relevance of selected cited references not in the English language which are not translated.

Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

* Admitted only in California

† Admitted only in New York

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing 51 references submitted for consideration.
- ☒ Copies of the 3 "other" references listed on the Form PTO-1449.
- ☐ English translations as indicated on the Form PTO-1449 of the references which are not in the English language.
- ☐ Copies of the following documents from the prosecution of a previous, related application:
 - ☐ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - ☐ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. ☐ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - ☐ Promptness Certification; or
 - ☐ Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. ☐ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - ☐ Promptness Certificate;
 - ☐ Petition for Consideration; and

____ Check No. in the amount of \$_____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. ____ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

____ Petition to Withdraw from Issue; and

____ Check No. _____ in the amount of \$_____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

X ____ Any fee required in relation to filing of this letter or any documents transmitted therewith.

____ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

____ The submission fee set forth in 37 C.F.R. § 1.17(p).

____ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 24 day of May, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No. 022913



PATENT APPLICATION
Docket No: 15420.49.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Gerald Nelson)
)
Serial No.: 10/788,799)
)
Filed: February 27, 2004)
)
Confirmation No.: Unknown)
)
For: INCLINE ASSEMBLY WITH CAM)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop – AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 24 day of May, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No. 022913

DBD/lrc
LC0000001193V001



PATENT APPLICATION

Docket No: 15420.49.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
Gerald Nelson)
)
Serial No.:)
10/788,799)
)
Filed:)
February 27, 2004)
)
Confirmation No.:)
Unknown)
)
For:)
INCLINE ASSEMBLY WITH CAM)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of May, 2004:

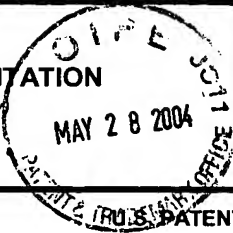
- Transmittal for Information Disclosure Statement (3 pgs.)
(in duplicate)
- Information Disclosure Statement (2 pgs.)
- Form PTO-1449 (5 pages)
- Copies of 3 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to
David B. Dellenbach
Attorney for Applicant
Registration No. 39,166
Customer No. 022913

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



ATTY DOCKET NO.
15420.49.1

SERIAL NO.
10/788,799

Gerald Nelson

FILING
February 27, 2004

GROUP
Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	1	D348,493	7/5/94	Ashby	D21	192	
	2	3,592,466	7/13/71	Parsons	482	53	
	3	3,602,502	8/13/71	Hampl	272	69	
	4	4,151,988	5/1/79	Nabinger	272	69	
	5	4,544,152	10/1/85	Taitel	272	69	
	6	4,659,074	4/21/87	Taitel, et al.	272	69	
	7	4,659,078	4/21/87	Blome	272	128	
	8	4,687,195	8/18/87	Potts	272	69	
	9	4,759,540	7/26/88	Yu, et al.	482	54	
	10	4,842,266	6/27/89	Sweeney, Sr., et al.	272	69	
	11	4,848,737	7/18/89	Ehrenfield	272	70	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

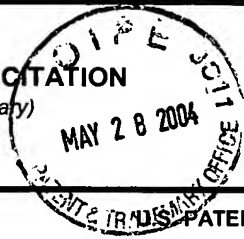
	1	Damark International, Inc. Mail Order Catalog, dated November 17, 1994, cover page and page 6.
	2	Sears, Roebuck and Co., Pro-Form 585 TL Low Profile Treadmill, User's Manual, Copyright 1996 (20 pages).

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



ATTY DOCKET NO.

15420.49.1

SERIAL NO.

10/788,799

Gerald Nelson

FILING

February 27, 2004

GROUP

Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	12	4,927,136	5/22/90	Leask	272	54	
	13	5,062,632	11/5/91	Dalebout, et al.	482	7	
	14	5,088,729	2/18/92	Dalebout	482	54	
	15	5,145,475	9/8/92	Cares	482	52	
	16	5,195,935	3/23/93	Fencel	482	70	
	17	5,328,420	7/12/94	Allen	482	52	
	18	5,328,422	7/12/94	Nichols	482	52	
	19	5,352,166	10/4/94	Chang	482	52	
	20	5,382,209	1/17/95	Pasier, et al.	482	70	
	21	5,512,025	4/30/96	Dalebout, et al.	482	6	
	22	5,518,471	5/21/96	Hettinger, et al.	482	54	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		3	Treadmill Owner's Manual by Formula 22100 Manual Treadmill, upon information and belief, available at least as early as 1998, 20 pgs.

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION*(Use several sheets if necessary)*

ATTY DOCKET NO.

15420.49.1

SERIAL NO.

10/788,799

Gerald Nelson

FILING

February 27, 2004

GROUP

Unknown

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	23	5,527,245	6/18/96	Dalebout, et al.	482	54	
	24	5,626,539	5/6/97	Piaget, et al.	482	54	
	25	5,674,453	10/7/97	Watterson, et al.	482	54	
	26	5,733,228	3/31/98	Stevens	482	54	
	27	5,743,833	4/28/98	Watterson, et al.	482	54	
	28	5,810,696	9/22/98	Webb	482	52	
	29	5,827,155	10/27/98	Jensen, et al.	482	54	
	30	5,833,577	11/10/98	Hurt	482	54	
	31	5,860,893	1/19/99	Watterson, et al.	482	54	
	32	5,860,894	1/19/99	Dalebout, et al.	482	54	
	33	5,899,834	5/4/99	Dalebout, et al.	482	54	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. 15420.49.1		SERIAL NO. 10/788,799	
				Gerald Nelson			
				FILING February 27, 2004		GROUP Unknown	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	34	6,013,011	1/11/00	Moore, et al.	482	54	
	35	6,033,347	3/7/00	Dalebout, et al.	482	54	
	36	6,045,490	4/4/00	Shafer, et al.	482	54	
	37	6,050,921	4/18/00	Wang	482	54	
	38	6,050,923	4/18/00	Yu	482	54	
	34	6,053,844	4/25/00	Clem	482	8	
	40	6,068,578	5/30/00	Wang	482	54	
	41	6,110,076	8/29/00	Hurt	482	54	
	42	6,132,340	10/17/00	Wang, et al.	482	54	
	43	6,174,268 B1	1/16/01	Novak	482	54	
	44	6,179,753 B1	1/30/01	Barker, et al.	482	54	

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>			

EXAMINER	DATE CONSIDERED
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

INFORMATION DISCLOSURE CITATION <i>(Use several sheets if necessary)</i>				ATTY DOCKET NO. 15420.49.1		SERIAL NO. 10/788,799	
				Gerald Nelson			
				FILING February 27, 2004		GROUP Unknown	

U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	45	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		6,231,482 B1	5/15/01	Thompson	482	37	
		6,234,936 B1	5/22/01	Wang	482	54	
		6,280,362 B1	8/28/01	Dalebout, et al.	482	54	
		6,312,363 B1	11/6/01	Watterson, et al.	482	54	

FOREIGN PATENT DOCUMENTS								
*	45	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>			
*	45	46	

EXAMINER	DATE CONSIDERED
-----------------	------------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.